

UNITED STATES DISTRICT COURT
for the
Southern District of Texas

DEC 18 2009

Clerk of Court

United States of America

v.

Arturo Apac
Jesus Liscano

Defendant(s)

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)
)

Case No. C-09-1182m

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 17, 2009 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 21 U.S.C. section 841(a)(1)(A)

Offense Description

Knowingly, Intentionally, and Unlawfully possess with intent to distribute a controlled substance in Schedule II of the Controlled Substance Act of 1970, to wit: approximately 23.35 kilograms of cocaine and 11.45 kilograms of methamphetamine.

This criminal complaint is based on these facts:

See Attachment "A"

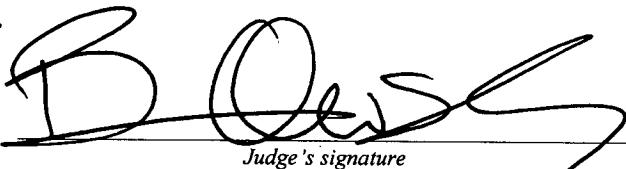
Continued on the attached sheet.


Complainant's signature

S/A David Bishop, Drug Enforcement Administration
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/18/2009


Judge's signature

City and state: Corpus Christi, Texas

Brian L. Owsley, U.S. Magistrate Judge
Printed name and title

ATTACHMENT "A"

On December 15, 2009, a reliable source of information informed agents of the Drug Enforcement Administration regarding an airplane transporting narcotics for the Arturo Apac Drug Trafficking Organization. Utilizing the source of information, agents were able to obtain a recorded telephone call with Apac. Apac instructed the source of information to travel to McAllen, Texas as he had "20" for him. Apac further stated that the source of information would be traveling from McAllen, Texas to Houston, Texas continuing to Atlanta, Georgia.

On December 16, 2009, the source of information was again contacted by Apac and told to go to McAllen, Texas as they were ready to go. Apac instructed the source of information that he needed to meet with him in person as he did not trust talking on the telephone. At the direction of agents, the source of information informed Apac that he needed to get the oil changed on the aircraft and would be there on December 17, 2009. These conversations between the source of information and Apac were recorded by agents.

On December 17, 2009, TFO John Flores and S/A Jamie Tracy traveled to McAllen, Texas to establish pre-surveillance at the McAllen International Airport. TFO Robert Young and S/A Paul Stewart traveled to the Mustang Island Airport to meet with the source of information. Upon arrival at the Mustang Island Airport, S/A Stewart and TFO Young met with the source of information prior to him/her departing for McAllen, Texas. S/A Stewart and TFO Young searched the Cessna 321 bearing tail number N87397, prior to departure. The source of information was also searched prior to departure to McAllen, Texas. At approximately 2:40 p.m., the source of information departed the airport and traveled to McAllen, Texas.

At approximately 3:25 p.m., the source of information arrived at the McAllen International Airport and contacted TFO John Flores to notify him of his arrival. TFO Flores contacted agents from Immigration Customs Enforcement in order to establish surveillance on the source of information as he/she met with Apac at a nearby restaurant. ICE agents observed Apac, the source of information and Jesus Liscano meet outside the restaurant prior to returning to the McAllen International Airport.

Upon returning to the McAllen International Airport, TFO Flores was contacted by the source of information as Apac believed he was being watched. The source of information was instructed to leave the airport and fly to the Weslaco Airport where he performed a "touch and go", then returning to the McAllen airport. TFO Flores observed that Apac and Liscano were in the aircraft as the plane left and present when the aircraft returned. The source of information parked the aircraft next to McCreery Aviation where the source of information, Apac, and Liscano waited. The source of information further advised agents that they were waiting for the delivery of the cocaine.

At approximately 7:00 p.m., agents conducting surveillance observed suitcases being loaded into the nose and cabin area of the aircraft. At approximately 7:15 p.m., TFO Flores received a text message that read "stop me, I got it".

At approximately 7:20 p.m., agents observed Apac, Liscano, and the source of information enter the aircraft for departure. The source of information then contacted the tower for departure and began to taxi out to the runway. It was at this time that the source of information was contacted by McAllen control tower to report to the U.S. Customs and Border Protection ramp prior to departure.

Upon arrival at the Customs and Border Protection ramp, S/A Phillip Campbell of ICE, instructed all passengers to exit the aircraft. Based on the facts and circumstances obtained throughout the course of this investigation, S/A Campbell requested consent to search the aircraft and all on all luggage on the aircraft. Apac signed a consent to search form to search the aircraft and granted verbal consent for the luggage. Liscano and the source of information also granted verbal consent for the search of the luggage belonging to them. The two remaining bags inside the nose of the aircraft were not claimed by any of the passengers.

A free air sniff conducted by Javier Soliz Jr utilizing a Hidalgo County K-9 was utilized at this time. This resulted in the K-9 alerting to the bags. A search of the bags revealed 8 bundles of hard flaky substance believed to be methamphetamine and 20 bundles of a white powder substance believed to be cocaine.

It was at this time that Apac, Liscano were placed under arrest. Apac was read his Miranda Warning by TFO John Flores as witnessed S/A Campbell to which Apac requested an attorney. Liscano was read his Miranda Warning by S/A Tracy as witnessed by S/A Huling. Liscano agreed to answer questions and was subsequently interviewed by TFO Flores prior to being taken to Hidalgo County Jail.

The amount of cocaine and methamphetamine infers the intent to distribute. AUSA Julie Hampton authorized prosecution for Apac and Liscano.